

REMARKS

Claims 1-3 and 5-26 are pending. Claim 4 is cancelled herein without prejudice or disclaimer. Claim 1 is amended herein to incorporate the features of claim 4.

Applicants' Response to the Claim Objections

Claims 1, 19 and 25 are objected to because of the following informalities.

First, the objection asserts that the phrase "at a measurement wavelength providing no absorption" is unclear because there is intrinsically some amount of absorption by the film at all wavelengths. The Examiner therefore interprets the claim language as providing "substantially no absorption." In response thereto, applicants respectfully submit that the claim phrase "no absorption" as presented is sufficiently clear to those of skill in the art. The skilled artisan would readily ascertain the intended scope.

Second, the objection notes that the measurement wavelength is not specified, and it is assumed that the measurement wavelength may be anywhere in the electromagnetic spectrum. Applicants have incorporated the range of claim 4 into claim 1.

Finally, the objection asserts that it is unclear whether the range of 950 to 1350nm in the claim language is referring to the "in-plane retardation" or the "measurement wavelength." Applicants respectfully note that claim 1 states "an in-plane retardation at a measurement wavelength providing no absorption." The office observes that the range is the "in-plane retardation." Wherefore, applicants respectfully submit that the phrase is clear.

Applicants' Response to the Claim Rejections under 35 U.S.C. §103(a)

Claims 1, 4-7, 9, 10 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Otsuka (JP 06-347641).

In response thereto, applicants respectfully submit that the present invention is not obvious in light of Otsuka at least for the reason that the reference does not provide for all the features of the present invention, nor is there any reason prompting a skilled artisan to modify the rejection so as to derive the current invention.

The rejection cites to the English Abstract of Otsuka as disclosing a polarizer containing a dichroic material in a matrix. Further, the rejection points to the preferred double refractive index of the base material as a $\Delta n \geq 0.025$ which gives an in-plane retardation of $\geq 13 * 0.025 \geq 325\text{nm}$, and declares that this disclosure overlaps the claimed range.

Finally, the rejection asserts that the skilled artisan would have found it obvious to modify the display device of Otsuka with an in-plane retardation at a measurement wavelength providing no absorption is in a range of 950 to 1350 nm on the basis that doing so would provide a polarizing film which decreases leaking light in a diagonal direction as set forth in the abstract of Otsuka.

Applicants respectfully note that the double refractive index described in Otsuka is that of a base prior to dyeing with dichroism pigment and does not coincide to the feature of applicants' claim 1 that the range is that of a polarizer.

As set forth in paragraph [0022] of Otsuka, the invention thereof is focused on the base material having a proper double refractive index prior to dyeing. As such, Otsuka's teaching that

the double refractive index of the base material prior to dyeing is distinct from the claimed in-plane retardation of the polarizer after the dichoric material is added. Hence, Otsuka does not disclose an in-plane retardation of a polarizer as the rejection asserts.

Further, there is no manner whereby a skilled artisan could derive the present invention based on this disclosure of Otsuka. Specifically, a skilled artisan would not utilize the claimed in-plane retardation at a measurement wavelength providing no absorption at a range of 950 to 1350nm within the display device of Otsuka on the basis that doing so would provide a polarizing film which decreases leaking light in a diagonal direction. The skilled artisan would only see this range as applicable to a pre-dyed base material not as a range which optimizes an end display device.

Wherefore, applicants respectfully request favourable reconsideration.

Claims 2 and 3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Otsuka in view of Harita et al. (US 2001/0039319).

Claim 8 is also rejected over Otsuka in view of Honda et al. (US 2001/033349).

Claims 11-13 are rejected over Otsuka) in view of Yoshimi et al. (JP 2001-311826).

Claims 14, 15, 17, 20, 21 and 23 are rejected over Otsuka (JP 06-347641) in view of Iba et al. (JP 10-268294) and/or further in view of Honda et al. (US 2001/033349), or in view of Yoshimi et al. (JP 2001-311826).

All of the rejections depend upon the primary rejection of claim 1 based on Otsuka. Applicants respectfully submit that by addressing the parent rejection, likewise the current rejections should be considered addressed by nature of their dependency.

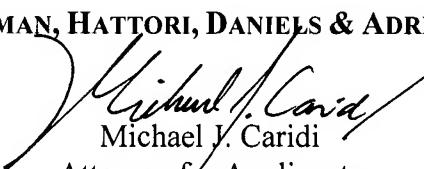
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP


Michael J. Caridi
Attorney for Applicants
Registration No. 56,171
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

MJC/ttw